

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEROME HAILEY #575198,

Plaintiff,

Case No. 1:19-cv-224

v.

HON. GORDON J. QUIST

NOAH BRUNER,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

On December 1, 2019, U.S. Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R), recommending that Defendant's motion to dismiss be interpreted as a motion to quash service. (ECF No. 23.) Judge Green further recommend that the motion to quash be granted and that Plaintiff be afforded 45 days from the date that the R&R is adopted to properly effect service on Defendant.

Although Plaintiff did not file any objections, he filed two purported motions that are related to the R&R. In the first motion, Plaintiff requests another copy of the summons and complaint. (ECF No. 24.) Plaintiff also asks for the Court to order U.S. Marshals to effectuate service. (*Id.*) In the second motion, Plaintiff requests an additional 15 days to serve Defendant. (ECF No. 25.)

The Court will grant Plaintiff's request for another summons and a copy of the complaint. However, as explained in the R&R, Plaintiff is not proceeding *in forma pauperis*; thus, this Court is unable to order the U.S. Marshals to effect service. In addition, Plaintiff's request for additional 15 days is moot because the period of 45 days begins to run from the date of this order.

Accordingly, **IT IS HEREBY ORDERED** that the December 1, 2019, Report and Recommendation (ECF No. 23) is approved and adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk shall issue another summons and send the summons to Plaintiff with a copy of the complaint for service.

IT IS SO ORDERED.

Dated: February 4, 2020

/s/ Gordon J. Quist

GORDON J. QUIST
UNITED STATES DISTRICT JUDGE